



September 17, 2010

Applicant Review Panel
c/o Bureau of State Audits
555 Capitol Mall, Suite 300
Sacramento, CA 95814

RE: Concerns Regarding Selected Applicants for the Citizens Redistricting Commission

Dear Mr. Ahmadi, Ms. Camacho, and Ms. Spano:

Thank you for the opportunity to provide comments about the selection of the 60 most qualified applicants for the first California Citizens Redistricting Commission (hereinafter referred to as "the Commission").

The selection of the 60 most qualified applicants is the final opportunity for the Applicant Review Panel (ARP) to assess whether an applicant is amongst the "most qualified" to serve on the Commission. After a ten month period that began with over 30,000 initial applications, reading over 4,500 supplemental applications and interviewing nearly 120 applicants in person, this is the final selection of the most qualified applicants by the ARP. To date, we have appreciated the level of transparency and high degree of thoroughness that each of you has demonstrated and we thank you for your service to the people of California.

According to the Voters First Act, the leaders of the state legislature "may" strike some applicants from the pool of the 60 most qualified names selected by the ARP and submitted by the State Auditor. Since striking any names from the pool of 60 is not required by the Voters First Act, it is possible that all of the 60 applicants the ARP selects as the most qualified will be part of the pool from which the first eight members will be randomly drawn as well as the selection of the final six members, by the first eight members, for the Commission. Therefore, it is imperative that all of the 60 be the most qualified as any one of them could be a member of the Commission.

Throughout the selection process, the Voters First Act stipulates that the most qualified applicants will be selected based on three criteria: ability to be impartial; appreciation for California's diverse demographics and geography; and relevant analytical skills.

In observing the ARP interviews we have concerns about the following applicants: Donna Day Beers (27703), Ira Lowry (14547), Daniel R. Montello (4558) and Charles Starr (21487).

Ability to be impartial

In her supplemental application and in her interview, applicant Beers (27703) repeatedly expressed a preference for active voters, such as the following statement she made during her interview: "If you don't vote, you can't complain." Additionally, her interest in public comment appears to be limited to "voters." When asked by Counsel about how she would receive and use input from non-registered voters, her response again addressed only the voting population. From this, it appears that Ms. Beers lacks an understanding of the disempowerment some communities have faced and the variety of reasons they may not vote (i.e. perceived sense that their vote does not matter or is being diluted, etc). The narrow focus and preference for voters raises serious questions about the applicant's ability to be impartial when listening to and analyzing information regarding non-voters whether in the form of quantitative data as well as public testimony presented by non-voters.

Applicant Daniel R. Montello (4558) was asked by ARP Counsel about his views related to his wife's employer, Californian's for Population Stabilization. Applicant responded in part,

I also, to tell you the truth, I believe that a lot of jobs in the United States have been shipped to places where people accept lower wages but certain things can't be shipped out of the country and out of the state and so as an alternative people have been brought into the country or more properly have been allowed into the country either through documented channels or through undocumented channels and it's effectively a system that does probably help with suppressing wages and some things like that and I'm sure that's not good for people that are already here, whatever their ethnic background might be.

This statement communicates a negative view of immigrants. This raises serious questions as to the applicant's ability to be impartial when considering data and testimony from individuals and groups representing immigrants versus non-immigrants. Lastly, it is relevant to note that the applicant stated in the ARP interview that he did not know the BSA had inquired about his wife's employer and yet the BSA Report on Information Collected Concerning Applicant, reports, "Staff asked Applicant about his wife's involvement with Californians for Population Stabilization (CAPS)." The report is dated one day before the applicant's interview.

Appreciation for California's diverse demographics and geography

Applicant Beers (27703) made a monetary contribution in support of Proposition 8. This raises serious questions about the applicant's appreciation for the gay and lesbian community.

Applicant Ira Lowry (14547) made a statement to the extent that public input is a "bad idea" and is unwilling to travel across the state to public hearings. However, the Voters First Act created a public commission that will be taking public testimony with the intent of making the process more transparent and accessible to the general public. It is necessary that the applicants moved on to the next phase of the application process not only appreciate the state's diversity, but are also open to hearing from the people of the state of California.

Applicant Daniel R. Montello (4558) stated that he absolutely agrees with "some" of the views of his wife's employer, Californian's for Population Stabilization (CAPS). CAPS criminalizes immigrants (http://www.capsweb.org/content.php?id=27&menu_id=6&menu_item_id=54) and supports the birthing movement which would deny the U.S. born children of undocumented parents the 14th Amendment right to citizenship. Given that California has one of the largest

foreign-born populations in the U.S, it is reasonable to question that Applicant Montello may not have the appreciation necessary for interacting with and receiving public comment from California's diverse immigrant communities or organizations representing their interests in the communities in which they live.

Applicant Charles Starr (21487) failed to demonstrate appreciation for diversity. It appeared that he could not get himself to even state the word "race."

Relevant analytical skills

Applicant Donna Day Beers (27703) appeared to take a significant amount of time before answering each question the ARP asked of her and in return, gave answers that expressed a lack of understanding for the complexities of redistricting and the laws and criteria by which she will be expected to abide. This leaves doubt about her ability to learn quickly and to analyze and synthesize large amounts of data necessary to the Commission's work.

Applicant Ira Lowry (14547) appeared to struggle significantly in responding to all interview questions calling into question the applicant's ability to understand, analyze and discuss volumes of quantitative and qualitative information.

Applicant Daniel Montello (4558) stated early in his interview that he finds himself to be "unusually qualified" for the Commission, but later stated that "one person, one vote" means that the number of elected officials who are Democrats, Republicans, and so forth, reflect the proportion of the state's population who is registered Democrat, Republican, and so forth. This is a gross misunderstanding of "one person, one vote" that demonstrates a lack of understanding of the history of voting rights in our country and could indicate that his analytical skills and understanding of the various factors involved in redistricting are not as keen as he may think.

Applicant Charles Starr (21487) repeatedly focused on the importance of keeping cities and counties together above other criteria. While contiguity and nesting are criteria for redistricting, they are not the sole or primary criteria.

The ARP's charge to select the 60 most qualified is the critical task. It is our hope that raising these serious concerns will assist you in your very important review of applicants and demonstrate concerns about applicants whom we feel are not amongst the most qualified to serve on the Commission. Thank you for the opportunity to share our concerns.

Sincerely,



Marcos Vargas PhD
Executive Director



Orson Aguilar
Executive Director